IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929

Con.Case(C).No. 392 of 2007(S)

---

: PETITIONER/PETITIONER

---

1. FR.JOSE CHELANKARA, MANAGER,
ST.PAUL'S COLLEGE, KALAMASSERY.

2. V.X.SEBASTIAN, PRINCIPAL,
ST.PAUL'S COLLEGE, KALAMASSERY.

BY ADV. SRI.BABY ISSAC ILLICKAL

RESPONDENTS:

---

SRI.M.R.UNNI, S/O RAMACHANDRAN,
AGED 47, REGISTRAR, MAHATMA GANDHI UNIVERSITY,
KOTTAYAM.

BY ADV. SRI. T.A. SHAJI, SC, M.G.UNIVERSITY

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON 14/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**K.M.JOSEPH, J.**

\- - - - - - - - - - - - - - - - - - - - - -

C.C.C.No.392 OF 2007

\- - - - - - - - - - - - - - - - - - - - - - - - - - - - - -

Dated this the 14th day of August, 2007

**JUDGMENT**

This Contempt of Court Case is against Annexure A judgment. Vide Annexure A judgment this court directed reconsideration of the matter and quashed Ext.P9 and the third respondent was directed to take a decision bearing in mind the judgment of the Apex Court in **The Secretary, Malankara Syrian Catholic College v. T.Jose & Others** within a period of six weeks from the date of receipt of a copy of the judgment.

2. Ext.R1(e) would show that the University has resolved not to grant approval for the appointment of the second petitioner as the Principal of St.Paul's College, Kalamassery. Apparently the stand taken is that there is no evidence to show that petitioners' college is having minority status. It is clear from Ext.R1(d). It is the case of the respondent that as per Government Order dated 16/12/2006 the Syndicate has decided that the University will consider the grant of approval to the

appointment in question on production of certain certificates that the college is a minority institution. It is stated that petitioner has not produced any orders pursuant to Ext.R1(d) granting minority status to the St.Paul's College, Kalamassery. Admittedly, the stand of the respondent is that there is no material to show that the college in question is enjoying the minority status.

3. Counsel for the petitioner relies on Annexure D. Annexure D is the agreement between the the administrator of Archdiocese of Verapoly and the Secretary to the Government in the Education Department.

4. The question of proceeding in contempt would arise only when there is willful dis-obedience. An element of contumacy is required to proceed in contempt cases. In this case, admittedly the authority took a decision not to approve the appointment on the basis that there is no materials to show that the college is enjoying minority status. I would think that the petitioner is to be relegated to challenge the said order and it may not be appropriate for me to proceed with action in contempt. Accordingly, the Contempt of Court Case is closed

without prejudice to the right of the petitioner to challenge the proceedings before the appropriate authority.

**(K.M.JOSEPH, JUDGE)**

sv.